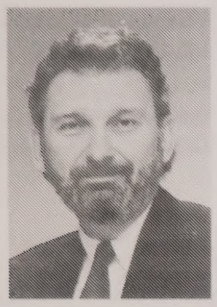
Information and Privacy Commissioner/Ontario

NEWSLETTER

Vol. 2 Issue 1 Winter 1989

Commissioner's Message



Sidney B. Linden

It's hard to believe that it's only been a year since *the Freedom of Information and Protection of Privacy Act, 1987* came into effect! So much has happened in this first year that it seems as if more time should have passed. At the beginning of 1988, the Commissioner's staff numbered less than a dozen and all of us were scrambling about preparing for our first appellants.

Collectively we developed an appeal procedure, conducted inquiries and issued 36 Orders involving 74 different Appeals. We were also able to settle 91 more appeals. We established administrative systems for our own office, coped with a move, created forms, wrote brochures, put out a Newsletter and Summaries of Appeals and designed a computer tracking system to assist ministries and agencies to comply with the reporting requirements of the *Act*. We conducted training sessions and participated in conferences, travelled to other jurisdictions to learn more about "Freedom of Information" and "Protection of Privacy" issues and over the course of the year, we grew to a staff of twenty-nine.

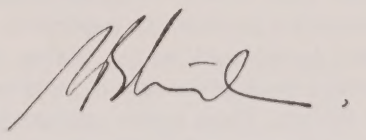
Throughout, we were assisted and encouraged by co-operation from the staff of the Freedom of Information and Privacy Branch of Management Board of Cabinet and the many co-ordinators from various ministries and agencies who themselves were struggling to fulfil their own responsibilities and duties under this new *Act*. In my view, everyone connected with the *Act* has done an excellent job and should be commended for how much has been accomplished in such a short period of time.

Now that many of the start-up problems are behind us, it's time for us to take a deep breath and begin to concentrate on some of the far-reaching policy issues contained in this *Act*. Administering the *Freedom of Information and Protection of Privacy Act*, will continue to be a demanding and interesting task and we can all look forward to the New Year and the new challenges it will undoubtedly bring when Community Colleges and District Health Councils are included in the *Act*.

I was pleased to have participated in the "Key to the 90s" Conference, the first of its kind here in Toronto, which dealt with information and privacy issues. The attendance - around 450 - is an indication of the great interest and commitment that exists in administering access to information and protecting our privacy rights.

The conference proceedings will be available within the next few weeks and I believe that this publication will become a valuable resource. We will advise everyone via this newsletter and perhaps some other form of communication as soon as the publication is available and we will provide instructions on how to obtain a copy.

On a personal note, I have found this first year enjoyable and stimulating and I would like to take this opportunity to wish everyone a happy and successful New Year.



History of Freedom of Information and Personal Privacy in Ontario

The Freedom of Information and Protection of Privacy Act, 1987, was given Royal Assent on June 19, 1987 and came into force on January 1, 1988. Ontario joins Manitoba, Nova Scotia, New Brunswick, Newfoundland, Quebec, and the federal government in legislating access to information. However, unlike some other jurisdictions, the federal government, for example, the Ontario law incorporates both freedom of information and protection of personal privacy.

The Williams Commission

The dual nature of Ontario's law, in part, reflects the recommendations of the Williams Commission. Named after Dr. Carlton Williams, the Chairman, the Commission on Freedom of Information and Individual Privacy was established in the late 1970s at the direction of the then Conservative Government, and with the full support of the Liberal and New Democratic parties.

That the issues of freedom of information and personal privacy would be studied by a commission before legislation was introduced was a unique approach not repeated in other jurisdictions. During the course of its life, from 1978 to 1980, the Williams Commission produced an impressive seventeen background studies dealing with various aspects of freedom of information and privacy. These studies continue to be useful reference tools on freedom of information and privacy issues, as well as for understanding the way the Ontario Government works.

In 1980, the Williams Commission issued its three-volume final report, entitled Public Government for Private People. The report sought to present a well thought out and well argued set of recommendations that would form the basis of any proposed legislation. Both freedom of information and protection of personal privacy would be combined under the umbrella of one Act, a unique proposal that was ultimately incorporated in our present legislation.

Some interesting findings of the Williams Commission included the fact that freedom of information, that is the granting of a public right to government records and information, was a relatively recent notion in most Western liberal democracies. The one exception was Sweden which has had an access law dating back to the 18th century. Most other countries took their lead from the U.S. which passed its Freedom of Information Act in 1966, with further amendments in 1974.

Freedom of Information legislation is predicated on the assumption that the free flow of information, particularlygovernment information, is an essential cornerstone of any democratic society. From this principle of openness flows the notion that legislated freedom of information furthers public debate on policy issues and helps to ensure the accountability of government.

As individuals living in society, we have, at least since the time of the Greeks, sought to articulate and define a private realm of existence that is perceived to be essential to our individual well-being.

Privacy, on the other hand, the Williams Commission found to be problematic. As individuals living in society, we have, at least since the time of the Greeks, sought to articulate and define a private realm of existence that is perceived to be essential to our individual well-being. In our increasingly complex world, information about individuals has become an important component of decision-making, both in the public and private sectors. Moreover, with the increasing use of computers and related technologies, our privacy is apt to get overlooked, if not invaded, by those who depend on information about individuals for a variety of activities. It would be fair to say that governments have been identified as one of the principal users of personal information.

To ensure that in our information hungry age, personal information is collected, stored and disseminated in a way that minimizes any adverse impact on our privacy, became one of Williams Commission's challenges. It recognized, however, that privacy, while a valuable attribute of our individuality, could not always be made absolute to the detriment of other values in society, as for example, the need by medical research for intimate medical histories of individuals. Consequently, the Williams Commission, in its final report, attempted to strike a balance between openness and privacy, between access and confidentiality.

On receiving the final report of the Williams Commission, the then Conservative Government referred the report's recommendations to, first, Alan Pope, Minister Without Portfolio, and then, after a Cabinet shuffle, to Norman Sterling, Minister Without Portfolio then subsequently Secretary of Resource Development.

During this period, the recommendations of the Williams Commission were reviewed and discussed both inside and outside Cabinet. After considerable internal discussion and consultation among various ministers, Bill 80 was introduced in the House in 1984.

Bill 80, however, died on the Order Paper when the general election of 1985 was called. The election resulted in a Liberal minority government which, by its accord with the New Democratic Party, placed the passage of freedom of information and protection of privacy high on its legislative agenda. When the new Liberal Government met the House, the Attorney-General, Ian Scott, introduced Bill 34, *An Act to provide for Freedom of Information and Protection of Individual Privacy.*

Three separate agencies

Bill 34 was largely based on the recommendations of the Williams report, though there were some important departures, in particular those sections dealing with the appeal process. While the Williams report proposed the creation of three separate agencies to deal with appeals and with auditing personal information banks, Bill 34 gave all these duties and responsibilities to one Commissioner.

For a variety of reasons, the bill had to be reintroduced in 1986, then, after second reading, it was referred to the Standing Committee on Procedural Affairs and Agencies, Boards and Commissions, subsequently renamed the Standing Committee on the Legislative Assembly. The Committee, during its clause by clause review, heard public submissions on the bill during May and June 1986. Close to one hundred individuals and groups made both written and oral submissions.

The Committee continued its review of the bill during the spring of 1987, when the Committee adopted a variety of amendments. After the Committee reported the amended bill to the House, it was referred to the Committee of the Whole House, where some further amendments were made.

Consequently, the Williams Commission, in its final report, attempted to strike a balance between openness and privacy, between access and confidentiality.

A large number of these amendments were of a technical nature, others were drafting changes. However, some significant changes to the original bill were made, including a provision that in three years Ontario municipalities would come within the scope of the act, that "sexual orientation" be made a characteristic of personal information, that the exemption dealing with third party information be made mandatory, and that for certain exemptions there be a "public interest override" clause. Other changes dealt with Cabinet documents, solicitor-client privilege, strengthening the role of the Information and Privacy Commissioner, and providing requestors with continuous disclosure for two years.

Bill 34 was given third reading on June 25, 1987 and Royal Assent on June 29, 1987. The *Act*, however, did not come into force until January 1, 1988. The delay in part was meant to provide the new Information and Privacy Commissioner with the opportunity to establish his office prior to the *Act* coming into force.

Office opened Jan. 1/88

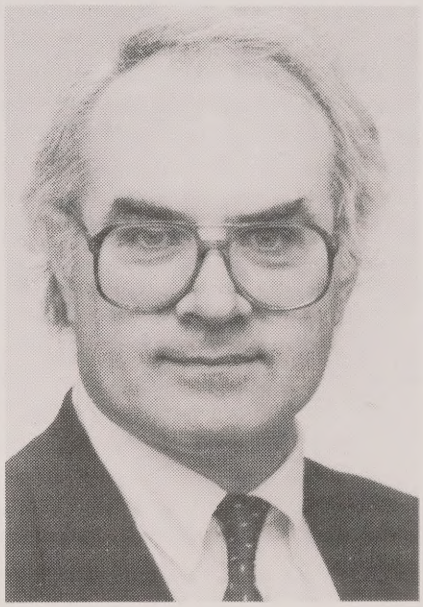
After the general election of September 1987, the Board of Internal Economy met to allocate funds to the Commissioner's Office, and on January 1, 1988 the office of the new Information and Privacy Commissioner was open for business.

The function of the Commissioner's Office, as provided by the *Act*, is to serve as an independent review body where those who have been refused access to government records or who have otherwise been affected by a decision of a government institution, can seek redress. The Commissioner's Office will first attempt to mediate a dispute, but if mediation fails, an inquiry will be conducted to settle the dispute by issuing a binding order.

If the experience of jurisdictions with long standing freedom of information and privacy laws is any guide, disputes between government institutions and requestors of records or personal information should subside.

Initially, when new legislation is introduced some period of time must pass before those who administer the act become fully familiar with its intricacies. At the same time, we have to recognize that secrecy was the prevailing watchword before 1987. Now that openness has been legislated, attitudes will also have to change. It will obviously take some time and much will depend on how the new legislation is viewed within government.

by John Eichmanis



JOHN EICHMANIS, B.A., M.A. M.Phil.
Senior Policy Advisor

Before joining the Commissioner's Office, John was engaged, for eight years, in providing research assistance to a number of Standing Committees of the Legislature. He also worked with the Commission on Freedom of Information & Individual Privacy (the Williams Commission) and has written several Current Issue Papers on the subject, resulting in his having witnessed the evolution of Ontario's Freedom of Information and Protection of Privacy Act.

Data Protection Commissioners Conference
Oslo, Norway, September 28-30, 1988

The Commissioner and Ann Cavoukian, Director of Compliance, attended the Ninth Data Protection Commissioners Conference in Oslo, Norway in September, 1988. Canada was well represented among the European data protection commissioners: in addition to ourselves, John Grace represented the Federal Privacy Commission while Jaques O'Bready and Clarence White represented the Quebec Access to Information Commission.

Representatives also attended from Austria, Australia, Belgium, Canada, West Germany, France, the United Kingdom, Denmark, Sweden, Norway, Finland, Holland, New Zealand, the Isle of Man and Jersey (Channel Isles).

A wide range of topics was discussed over the course of the three days of the conference. Opening remarks were made by Professor Knut Selmer, Chairman of the Board of the Data Inspectorate of Norway. Dr. Selmer discussed the pros and cons of various models of data protection for privacy commissions ranging from a traditional ombudsman model to one more closely resembling Ontario, with the power to issue binding orders.

France presented an excellent paper on AIDS and data protection. Among the matters discussed were the extensive measures taken in France to ensure confidentiality of medical records of AIDS patients and the removal of personal identifiers associated with such data, wherever possible. Other papers presented involved the following topics: privacy and the news media (smart cards); workplace issues related to employment; privacy and insurance; credit reference information; and taxation and privacy. In addition, the topic of police files lead to a spirited discussion of privacy issues related to law enforcement matters.

Prior to the conference, we visited with Dr. Spiros Simitis, the Data Protection Commissioner of the state of Hessen, Germany. Hessen is one of the eleven states of Germany, with very strong data protection legislation. Our visit to the office of the Data Protection Commission was very informative, especially in light of the similarities between our offices, and the concerns we shared. The German delegates present at the Oslo conference were very active -- they presented a strong unified voice on a number of privacy issues.

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Additional copies of this Newsletter are available by contacting Monica Zeller at (416) 963-3333 or 1-800-387-0073 or FAX(416)925-2983

or by writing to:

Information and Privacy Commissioner/Ontario
80 Bloor Street West
Suite 1700
Toronto, Ontario
M5S 2V1

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Information and Privacy Commissioner/Ontario

SUMMARIES OF APPEALS

January 1989

Order No. 25
Appeal No. 880174
(October 24, 1988)

The appellant applied to the Ontario Labour Relations Board requesting access to the written reports of a conciliation officer for two meetings. The Board advised the requester that reports of labour relations officers were exempt from disclosure under subsection 111(6) of the *Labour Relations Act*. The Board further advised that since this "confidentiality provision" prevailed over the *Freedom of Information and Protection of Privacy Act, 1987*, the reports could not be released.

The Commissioner upheld the decision of the Board to deny access to the records in question.

... the Commissioner encouraged the institution to suggest to Boards to consider the release of information such as a report of a labour relations officer to those involved in the case.

The Commissioner noted that the issues raised by this appeal were identical to those raised by Appeal No. 880028. Given that the nature of the records requested, the Boards's decision and the written representations of the Board to the Commissioner in regard to this appeal were virtually identical to Appeal No. 880028, and that the representations of the appellant raised no issues or arguments that were not fully addressed in that previous appeal, the disposition of the issues raised by this appeal was the same as in Appeal No. 880028.

The Commissioner found that in the circumstances of this appeal, subsection 111(6) of the *Labour Relations Act* operated as a "confidentiality provision" barring the application of the *Freedom of Information and Protection of Privacy Act, 1987,* in respect of the information requested.

The Commissioner reiterated that subsection 111(6) of the *Labour Relations Act* contained a discretionary power that had been accorded to the Board to disclose information obtained by a labour relations officer, as well as the report of a labour relations officer. As this particular "confidentiality provision" barred the application of *the Freedom of Information and Protection of Privacy Act, 1987* until January 1, 1990, the Commissioner encouraged the institution to suggest to Boards to consider the release of information such as a report of a labour relations officer to those involved in the case.■

Order No. 26
Appeal No. 880036
(November 2, 1988)

The appellant applied to the Ministry of Labour requesting access to all records filed by union trust funds with the Minister in 1986 and 1987 as required by subsection 86(2) of the Ontario *Labour Relations Act*. He also requested that his request be treated as a continuing request for a period of 2 years pursuant to subsection 24(3) of the *Freedom of Information and Protection of Privacy Act, 1987.*

The ministry advised the trust funds which had filed the requested information that a request for the information had been received. The trust funds were invited to provide submissions to the ministry with respect to the issue of disclosure of the requested information.

... such a [confidentiality] provision must include express language by which the disclosure of certain information was clearly prohibited.

The ministry advised the appellant that access to the requested records was denied because section 86 of the *Labour Relations Act* operated as an implied "confidentiality provision" barring the application of the *Freedom of Information and Protection of Privacy Act, 1987.*

The issue addressed by the Commissioner was whether section 86 of the *Labour Relations Act* was a "confidentiality provision" for the purposes of section 67 of the *Freedom of Information and Protection of Privacy Act, 1987.*

The Commissioner noted that the term "confidentiality provision" was not defined in the *Act*. He stated that he had been given the opportunity to formulate a definition which would promote the policies promulgated in the *Act*. The Commissioner indicated that it would be contrary to the general intent of the legislation to narrow unnecessarily the circumstances in which the *Act* applied.

The Commissioner stated that the use of the term "confidentiality provision" in section 67 of the *Act* contemplated language specifically providing for confidentiality and non-disclosure of information. The Commissioner was of the opinion that such a confidentiality provision must include express language by which the disclosure of certain information was clearly prohibited.

The Commissioner stated that section 86 of the *Labour Relations Act* created a repository within the ministry respecting certain audited financial statements. Nowhere in the section was the Minister directed to or precluded from taking any particular action with respect to the financial statements once they were filed. In addition, the Commissioner stated that the provision in question was completely silent with respect to confidentiality. The Commissioner also noted that the section specifically provided for a right of access to certain individuals who were free to disseminate the records in question to whomever they chose. The Commissioner found that section 86 of the *Labour Relations Act* was not a "confidentiality provision" for the purposes of section 67 of the *Freedom of Information and Protection of Privacy Act, 1987.*

Since the Commissioner concluded that section 86 did not qualify as a "confidentiality provision", he remitted the matter to the head so that the head could consider the appellant's access request within the framework of the *Freedom of Information and Protection of Privacy Act, 1987.* ■

Order No. 27
Appeal No. 880059
(November 2, 1988)

This appeal arose as a result of a request made to the Ministry of Labour for access to all records filed by union trust funds with the Minister in 1986 and 1987 as required by subsection 86(2) of the Ontario *Labour Relations Act.* The trust funds were invited by the ministry to provide submissions with respect to the issue of disclosure.

Many of the trust funds retained the appellant, who is a lawyer, to represent them. In order to make submissions on behalf of his clients, the appellant sought to determine the identity of the person(s) requesting access to the records filed by the union trust-funds. The ministry denied access to the name of the requester claiming that it was personal information pursuant to subsection 21(1) of the *Freedom of Information and Protection of Privacy Act, 1987.*

... the decision as to whether the name of a requester will be disclosed should be governed by the substantive provisions of the Act relating to the disclosure of information.

The Commissioner ordered that the ministry disclose the name of the requester to the appellant.

As a preliminary matter, the ministry argued that the *Act* provided a complete code of procedure and, because there was no stated obligation on the ministry to disclose the name of a requester, the principles of natural justice were not breached by the failure to do so.

The Commissioner did not accept this argument. He stated that while it was true that various provisions of the *Act* set out procedures to be followed by ministries in dealing with requests for information, the *Act* did not address every aspect of procedure. The Commissioner concluded that this silence should not be interpreted as creating a prohibition.

The Commissioner stated the decision as to whether the name of a requester will be disclosed should be governed by the substantive provisions of the *Act* relating to the disclosure of information. The Commissioner stressed that each case must be considered on its facts, and that the decision whether or not to release a requester's name would vary from case to case depending on the circumstances of each appeal.

The next issue addressed by the Commissioner was whether the name of the original requester was "personal information" as defined in subsection 2(1) of the *Act.* The Commissioner stated that if the record at issue contained only the name of an individual, it could not be considered "personal information" as a name alone could not be considered "recorded information about an identifiable individual".

The Commissioner stated that, in this case, the name did not appear alone, but in the context of a request for information. The Commissioner concluded that this rendered the name of the requester "personal information" as defined by the *Act.*

The final issue addressed by the Commissioner was whether disclosure of the name of the original requester would constitute an unjustified invasion of personal privacy under section 21 of the *Act.*

In referring to subsection 21(2)(a),

the ministry submitted that disclosure of a requester's name would discourage people from requesting records under the *Act*. The Commissioner stated that in the absence of some empirical evidence to support this view, he could not accept that the public would refrain from applying for information from the government simply because there was a possibility that their names would be disclosed to someone else who had an interest in or was affected by the request.

... each case must be considered on its facts ... the decision whether or not to release a requester's name would vary from case to case depending on the circumstances of each appeal.

The appellant invoked the concepts of natural justice and procedural fairness in making an argument that knowledge of the requester's name was necessary and relevant to a fair determination of his client's rights pursuant to subsection 21(2)(d) of the *Act*. Related Appeal No. 880036 addresses the issue of disclosure of the records referred to in this appeal. The Commissioner noted that to date the ministry had not been required to respond to the request for information in that appeal and only a preliminary issue involving the application of a "confidentiality provision" was being considered.

The ministry also raised the possible application of subsection 21(2)(e) on the basis that since the ministry holds information pertaining to employers and employees, it was concerned that employees seeking information may be vulnerable to sanction from employers.

The Commissioner accepted the ministry's argument that the disclosure of the name of a requester might, in some instances, cause difficulty to the requester. However, he was unwilling to impose a blanket rule of non-disclosure based on that reason. The Commissioner was satisfied that subsections 21(2)(e), (f) and (i) adequately addressed this possibility, and permitted the refusal to disclose a requester's name in appropriate circumstances.

The ministry raised an argument concerning any expectations of confidentiality on the part of the original requester. The Commissioner indicated that neither of the request for information forms (Forms 1 and 2, Ontario Regulation 532/87 as amended) contained any provision indicating that the name of the requester would be held in confidence. The Commissioner acknowledged that in this case the original requester made his request by letter so, presumably, did not see an official form. However, his letter did not request that the information therein be kept confidential.

The ministry advised the Commissioner that the original requester, after filing his request, indicated that he did not wish his name to be divulged to the appellant but, when notified of this appeal and given an opportunity to provide written submissions, he declined to do so.

The Commissioner concluded that disclosure of the original requester's name, in the circumstances of this appeal, would not result in an unjustified invasion of the requester's privacy. ■

Order No. 28
Appeal No. 880317
(December 6, 1988)

The Ministry of Correctional Services received a letter from the appellant seeking access to 60 different records. The appellant asked that each request be considered separately and processed individually. Pursuant to section 27 of the *Freedom of Information and Protection of Privacy Act, 1987* the ministry extended the 30 day limit for responding to a request. The appellant appealed the ministry's decision with respect to the time extension.

In reviewing the extension of the time limit under subsection 27(1) of the *Act*, the Commissioner confined his inquiry to establishing whether the extension was reasonable in the circumstances.

In this case, the ministry indicated that it had responded to 47 of the 60 requests initiated by the appellant. The remaining 13 requests consisted of two requests for general records and 11 requests for the appellant's own personal information.

With respect to the two requests for general information, the Commissioner was satisfied, after reviewing the ministry's submissions, that consultations were necessary and that an extension of 30 days to permit consultations was reasonable in the circumstances.

With respect to the eleven personal information requests, the ministry indicated that the reason for an extension was that, taken together, the request involved over 3500 pages of records.

The Commissioner stated that in invoking section 27 of the *Act*, a head must address him or herself to whether any particular request involved a large number of records or required consultations that could not reasonably be

completed within the 30 day time limit. The Commissioner stated that section 27 did not lend itself to the interpretation that it was properly triggered where the response was to a number of separate requests by the same individual, collectively, involving a large number of records or necessitating consultation.

The Commissioner concluded that the ministry's approach was incorrect in that it did not consider each request separately and decide whether each individual request was for a sufficiently large number of records so as to justify a section 27 time extension. However, as the Commissioner was satisfied that the Freedom of Information Co-ordinator was acting in good faith, and since she had undertaken to supply the appellant with a response to his request by November 25, 1988, it was not necessary for the Commissioner to make an order in respect of this matter. ■

SUMMARIES OF SETTLED CASES

The following summaries may be of interest or value to our readers:

Appeal No. 880134

The appellant applied to the Ministry of Community and Social Services in order to ascertain if his name was on the Child Abuse Register. The ministry answered the request.

The appeals officer reviewed the ministry's response letter and determined that it was badly worded and confusing and that if the appellant had understood the ministry's response he would not have appealed the ministry's decision. The appeals officer requested that the ministry send a follow-up letter, which the appeals officer explained to the appellant. At this time, the appellant agreed that he was satisfied and that his appeal was resolved.

Appeal No. 880161

The appellant applied to the Cabinet Office requesting a copy of a record "pertaining to ... [his] correspondence of December 1st, 1985 to Mr. Hershell Ezrin, then Principal Secretary to the Premier". In response to the appellant's information request, the F.O.I. Co-ordinator from the Cabinet Office advised that "after a thorough search of our files, we areunable to locate the record which you seek and, therefore, access cannot be provided".

The F.O.I. Co-ordinator from the Cabinet Office provided the Commisioner with a letter outlining the action taken by the Office to search for the requested record. A copy of this letter was provided to the appellant. The appellant subsequently indicated his satisfaction with the action taken by the Cabinet Office and the appeal was resolved.

Appeal No. 880195

The appellant applied to the Ministry of Community and Social Services requesting a copy of an investigationreport respecting the Centre Wellington Preschool in Fergus, Ontario. Upon receipt of the report, the appellant contacted the Office of the Information and Privacy Commissioner and requested that certain errors be corrected.

Given the appellant's concerns regarding the report, it became evident to the appeals officer that the appellant was (a) requesting additional records and (b) requesting that the record be corrected or that a statement of disagreement be attached to it. The appellant had not formally contacted the ministry to request additional information or a correction. Accordingly, the appellant's requests were forwarded to the ministry for processing.

Appeal No. 880181

The appellant applied to the Ministry of Agriculture and Food requesting a copy of the ministry's study into quota prices and transfer policies. The ministry denied access pursuant to subsection 22(b) of the *Freedom of Information and Protection of Privacy Act, 1987* on the basis that the study would be published within 90 days.

The appeal was settled when a copy of the study was mailed to the appellant upon publication.

Appeal No. 880116

The appellant applied to the Ministry of Correctional Services requesting investigation materials relating to his complaint about certain hiring practises at the Guelph Correctional Centre. The ministry disclosed the record with one severance.

The appeals officer reviewed the record and was of the opinion that the appeal would be settled if the one severance and the confusion arising from what appeared to be, but was not, another severance could be explained to the appellant. The ministry sent out a follow-up letter which the appeals officer discussed with the appellant and he confirmed that he was satisfied with this result and the appeal was resolved.

Appeal No. 880164

The appellant applied to the Ministry of Consumer and Commercial Relations requesting a list of names of corporations with pension plans in Ontario and the names of the administrators responsible for these plans. The appellant indicated that he was told that the information was not available in a published form and that the information was confidential.

The appeals officer discussed the matter with the Freedom of Information coordinator, who stated that a computerized list was available for a fee of $140.00. This list contained the names and addresses of all corporations with pension plans in Ontario. However, the list did not include the names of the administrators. The appellant was informed of the existence of this list and was satisfied with its contents and the appeal was resolved.

Appeal No. 880233

The appellant applied to the Ministry of the Attorney General requesting all files pertaining to himself from 1967 to 1988. Parts of the records were disclosed; access to other parts was denied under subsection 21(2)(f) of the *Act* as it contained personal information about another individual.

Both the Freedom of Information coordinator and the appeals officer elaborated in letters to the appellant the general nature of the information that was not disclosed. As the appellant determined it would not be of any particular interest, he discontinued the appeal. The appeals officer also explained to the appellant that due to his area of involvement, other government files which he assumed existed were probably held by the federal government.

Appeal No. 880196

The Ministry of the Solicitor General received a request for access to: records referring to the appellant in OPP files, Ombudsman reports on complaints of the appellant, OPP records on corruption in the York Sheriff's Department, and all correspondence between the ministry, the Ombudsman, the Sheriff's Department, the Ministry of the Attorney General and the Metropolitan Police respecting the appellant. The ministry released the information with severances pursuant to subsection 21(1) and 13(1) of the *Act*.

The appeals officer reviewed each severance with the ministry. The ministry agreed that some of the information severed could in fact be disclosed and the general nature of the rest of the severances could be explained to the appellant. The appeals officer noted that the appellant wanted the information so that he could make corrections to it. The appeals officer explained to the appellant the nature of subsection 47(2) of the *Act*, explaining that he could only correct his own personal information. As none of what remained of the record was his personal information, he was satisfied with this explanation and the extra information which was obtained.

Appeal No. 880230

The appellant applied to the Ministry of the Attorney General requesting all memoranda, correspondence, legal briefs or other documents filed with the Task Force on Legal Indemnification for Public Servants. Partial access was provided to the appellant. However, certain records were withheld from disclosure pursuant to sections 13(1), 19 and 21 of the *Freedom of Information and Protection of Privacy Act, 1987*.

Upon receipt of the records in question, the appeals officer spoke with the appellant and discussed the nature of the records withheld. As a result of this discussion, the appellant reviewed the records which he did receive and determined that the exempted records were reasonably withheld. Accordingly, the appellant wrote to the appeals officer advising of his satisfaction and the appeal was resolved.

Appeal No. 880225

The appellant applied to the Ministry of Education requesting submissions made to the ministry by Ontario School Boards for capital allocations for 1988-89 and subsequent fiscal years. The ministry advised the appellant that disclosure of the records would be made upon payment of fees of $696.00.

The ministry agreed to charge the appellant 5 cents per copy if he wished to attend at the ministry office and do his own photocopying on their machine. The ministry also agreed to give the appellant a viewing opportunity in order that he may select what he wanted to photocopy. The appellant was also provided with an alternative means of obtaining the records - through Parliamentary briefings. The Commissioner's previous decisions on fees were explained to the appellant. The appellant indicated satisfaction with the compromise and confirmed that the appeal was resolved.

Cette publication est également disponible en français.

For further information contact:

Monica Zeller
Information Officer
Information and Privacy Commissioner/Ontario
80 Bloor St. West
Suite 1700
Toronto, Ontario
M5S 2V1

Telephone: **(416) 963-3333**
Toll Free: **1-800-387-0073**
Fax: **(416) 965-2983**